

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Projected Patent No.  
US 7,137,774

**RECEIVED**

Satoshi MIURA et al.

NOV 09 2006

Serial No.: 10/628,330

Projected Issue Date:  
November 21, 2006

**OFFICE OF PETITIONS**

Filed: July 29, 2003

Allowed: September 14, 2006

Issue Fee Paid: October 6, 2006

Examiner: Christopher Verdier

Art Unit: 3745

**Mail Stop 313(c)**

For: LOW NOISE IMPELLER PUMPS

**PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 CFR §1.313(c)**

U.S. Patent and Trademark Office  
Office of Petitions, Mail Stop 313(c)  
Madison Building, 7<sup>th</sup> Floor  
600 Dulany Street  
Alexandria, VA 22314

**HAND CARRIED**

Sir:

Applicants hereby request that the above-identified application, the issue fee for which was paid on October 6, 2006, be withdrawn from issue. A copy of the issue notification is appended hereto. The projected patent number and issue date, as indicated in the Issue Notification, are specified above.

This request to withdraw from issue is being filed pursuant to 37 C.F.R. §1.313(c)(2) to allow consideration of the accompanying Request for Continued Examination in

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compliance with §1.114, and Information Disclosure Statement. The reference cited in the enclosed Information Disclosure Statement, EP 0 909 897 A1, is not of record in application Serial No. 10/628,330. This reference was cited in two official actions in connection with a corresponding German patent application:

1. A first official action from the German Patent Office dated August 10, 2004; and
2. A second official action from the German Patent Office dated August 24, 2006.

Copies of the two German official actions, as well as an English translation of the second official action, are enclosed.

The other references cited in the German official actions DE 103 11 068 A1, EP 0 931 927 A1, and DE 100 24 741 A1, have corresponding U.S. equivalents (US 6,733,230, US 6,224,323, and US 6,336,788, respectively), and were cited as such on Form PTO-892 in application Serial No. 10/628,330.

Accordingly, this petition, as well as the accompanying Request for Continued Examination and Information Disclosure Statement, are being filed so that EP 0 909 897 A1 can be considered by the U.S. Patent and Trademark Office in this application.

The fee set forth in §1.17(h) for the Petition under 37

C.F.R. §1.313(c) is included on the enclosed Credit Card  
Payment Form.

Respectfully submitted,



Malcolm J. MacDonald  
Registration No. 40250

Date: November 9, 2006

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <p><b>FEE TRANSMITTAL</b> <b>For FY 2006</b></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p><b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1100.00</p>		<p><b>Complete if Known</b></p> <table border="1"> <tr> <td>Application Number</td> <td>10/628,330</td> </tr> <tr> <td>Filing Date</td> <td>July 29, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Satoshi MIURA</td> </tr> <tr> <td>Examiner Name</td> <td>Christopher Verdier</td> </tr> <tr> <td>Art Unit</td> <td>3745</td> </tr> <tr> <td>Attorney Docket No.</td> <td>03131</td> </tr> </table>		Application Number	10/628,330	Filing Date	July 29, 2003	First Named Inventor	Satoshi MIURA	Examiner Name	Christopher Verdier	Art Unit	3745	Attorney Docket No.	03131
Application Number	10/628,330														
Filing Date	July 29, 2003														
First Named Inventor	Satoshi MIURA														
Examiner Name	Christopher Verdier														
Art Unit	3745														
Attorney Docket No.	03131														

RECEIVED  
NOV 09 2006**METHOD OF PAYMENT** (check all that apply)**OFFICE OF PETITIONS**

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 04-0753 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

<u>Small Entity</u>
Fee (\$)

Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

Fee (\$)

200 100

Multiple dependent claims

Fee (\$)

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>
- 20 or HP =	x	=		Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Fee (\$)

Fee Paid (\$)

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
- 3 or HP =	x	=		Fee (\$)

HP = highest number of independent claims paid for, if greater than 3.

Fee (\$)

Fee Paid (\$)

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Withdraw from Issue; Request for Continued Examination; IDS

Fee Paid (\$)

1100.00

**SUBMITTED BY**

Signature	<u>Malcolm J. MacDonald</u>	Registration No. (Attorney/Agent) 40,250	Telephone (703) 837-9600 x24
Name (Print/Type)	Malcolm J. MacDonald		Date November 9, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.